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Serial No.: 09/622,331
Docket No.: RCA89400
Art Unit: 2623
Examiner: Michael P. Van Handel

Reply Brief (9 pages)

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Serial No. 09/622,331
Customer No. 24498

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences

Applicants	:	Mehmet Kemal Ozkan et al.
Application No.:		09/622,331
Filed	:	March 19, 2001
For	:	A SYSTEM FOR FORMING, PARTITIONING AND PROCESSING PROGRAM GUIDES
Examiner	:	Michael P Van Handel
Art Unit	:	2623

REPLY BRIEF

Mail Stop: Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA   22313-1450

May It Please The Honorable Board:

This is a reply brief to the Examiner's answer filed on July 25, 2007.

Please charge any additional fee or credit overpayment to Deposit Account No. 07-0832.

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A.   STATUS OF THE CLAIMS

Claims 1-16 are pending in this application. Claims 17 and 18 have been canceled.

Claims 1-16 have been rejected.

The rejection of claims 1-16 are appealed.

B. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1 to 16 are unpatentable under 35 U.S.C. § 103(a) over U.S. Patent No. 6,160,545 issued December 12, 2000 to Eyer et al. (*Eyer*) in view of the "Program and System Information Protocol for Terrestrial Broadcast and Cable ", ATSC Standard, Doc. A/65 dated December 23, 1997 (*PSIP*).

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C.   ARGUMENT

Rejection of Claims 1-16 under 35 U.S.C. § 103(a) as being unpatentable over *Eyer* in view of *PSIP*

In addition to the arguments presented in Applicants' appeal brief filed on March 6, 2007, Applicants provide the following reply to the Examiner's answer dated July 25, 2007. Applicants respectfully continue to disagree with the Examiner's interpretation of *PSIP*. In particular, the combination of *Eyer* and *PSIP* does not yield Applicants' claimed invention.

CLAIMS 1-5, 8-12

At the outset, is should be noted that the Examiner puts forth contradictory characterizations of PSIP tables. For example, the Examiner first asserts that an ETT is a tertiary table. Then, in a subsequent argument, the Examiner asserts that the ETT is now a secondary table. Likewise, the Examiner first asserts that the EIT is a secondary table – then subsequently asserts that the EIT is a now tertiary table. In addition, the Examiner asserts that extended text messages (ETMs) are now tables.

In other words, the Examiner's characterization of PSIP tables lacks order. In contrast, Applicants' independent claims 1 and 6 require hierarchically ordered data tables.

Regardless, Applicants address each of the Examiner's characterization below as alternative arguments and points out why the Examiner is, respectfully, wrong in each case.

The Examiner's assertion that the ETT is a tertiary table is wrong

First, the Examiner asserts that

> [s]ince an ETT describes events in an EIT and is unnecessary without the EIT, the examiner interprets an ETT as being hierarchically linked to its associated EIT.

Examiner's answer, p. 10, emphasis added.

This is an incorrect statement by the Examiner. An ETT can also be used for describing channel information — a channel ETM — without regard to the presence of an EIT. (*PSIP*, ETM_location, p. 23.) Thus, the ETT can be present without an EIT being present. Thus, an ETT is not linked to an EIT as required by the Examiner..

Second, the Examiner also states the following.

<div align="center">5</div>

Fields related to an ETM are contained in both the EIT (ETM_location field)(p.32, Table 6.12 & ETM_location) and the ETT (extended_text_message)(p.34, Table 6.14 & p.35, extended_text_message()). Thus, the addition or deletion of an ETM would affect the ETM-related fields in both the ETT and the EIT, causing the version numbers in each to change.

Examiner's answer, pp. 10-11, emphasis added.

Yet, this is irrelevant to Applicants' claimed invention. As stated by the Examiner, the EIT version number changes – not because the ETT version changed – but because a field in the EIT changed. This is not Applicants' claimed invention. Applicants' independent claim 1 requires a version change in the tertiary table.

The Examiner's assertion that the ETM is a tertiary table is wrong

The Examiner then asserts that an ETM is a tertiary table because it is "similar to the table structures for the other PSIP tables". Examiner's answer, p. 11, emphasis added.

Applicants respectfully disagree for the simple reason that an **ETM is not a table** – it is a message - **especially as defined in *PSIP* itself.** *PSIP*, p. 32. Thus, the Examiner is respectfully exceeding his bounds by attempting to creatively redefine a message as a table, which is also counter to the definition in *PSIP*.

In addition, Applicants' claim 1 requires a version change in the tertiary table – an extended text message has no version information – it is merely a message.

The Examiner's assertion that an EIT event is a tertiary table is wrong

The Examiner basically asserts that the "for loop" in the EIT is itself a tertiary table. Examiner's answer, p. 12. Applicants respectfully disagree. An EIT is clearly defined as one table in *PSIP* – with one version identifier. *PSIP*, Table 6.12. Any change to information in the "for loop" of the EIT updates the earlier-recited version_number field of the EIT. *PSIP*, version_number field, p.31.

In addition, Applicants' claim 1 requires a version change in the tertiary table. In contrast to Applicants' claim requirement, the for loop of the EIT has no version information – it is merely a list of fields – the version of which is represented in the earlier-recited version_number field of the EIT. *PSIP*, version_number field, p.31.

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The Examiner's assertion that an ETT is a secondary table and that the EIT is a tertiary table is wrong

The Examiner also asserts that a change to an event_id of an EIT causes a version change to an ETT – thus, rendering the ETT as a secondary table and the EIT as a tertiary table.

Again, Applicants respectfully disagree. The Examiner is missing the point. A change to an event_id causes the EIT version number to change. Similarly, the change to the event_id causes the ETT version number to change. These occur independently of each other. There is no tertiary relationship. This is further supported by the definition of version_number for the EIT and the ETT as explained in Applicants' Appeal Brief.

The Examiner's assertion that a TVCT or a CVCT is a secondary table and that the ETM is a tertiary table is wrong

This combination of different secondary tables with the Examiner's asserted ETM as a tertiary table also fails for the reasons described above and repeated below.

Applicants respectfully disagree for the simple reason that an **ETM is not a table** – it is a message - **especially as defined in** *PSIP* **itself.** *PSIP*, p. 32. Thus, the Examiner is respectfully exceeding his bounds by attempting to creatively redefine a message as a table, which is also counter to the definition in *PSIP*.

In addition, Applicants' claim 1 requires a version change in the tertiary table – an extended text message has no version information – it is merely a message.

CLAIMS 1-5 ARE PATENTABLE

Applicants maintain their position that Claims 1-5 are patentable for the reasons described above and as stated in Applicants' appeal brief.

Nowhere does either *Eyer*, or *PSIP* – singly or in combination – describe or suggest a tertiary table **hierarchically linked** to the secondary table as claimed by Applicants. In addition, nowhere does either *Eyer*, or *PSIP* – singly or in combination – describe or suggest **a second version identifier conveyed in a secondary data table and updated in response to ... a version change in the tertiary table.**

In view of the above, Applicants' claim 1, and dependant claims 2-5, are patentable since neither *Eyer* or *PSIP*, single or in combination, describe or suggest the requirements of Applicants' claim 1.

CLAIMS 8-12 ARE PATENTABLE

Applicants maintain their position that Claims 8-12 are patentable for the reasons described above and as stated in Applicants' appeal brief.

As such, Applicants' claims 8-12 stand or fall with Applicants' independent claim 1.

CLAIMS 6-7, 13-16

The Examiner's assertion that shifting EITs meets the requirements of Applicants' claim 6 is wrong. An EIT describes events for a three hour window. *PSIP*, p. 73. Even if, for the sake of argument only, a PID of an EIT could be argued to be a "partition identifier" as claimed by Applicants, Applicants' claim 6 is still patentable.

First, Applicants' claim 6 requires "acquiring additional program guide data", emphasis added. Merely shifting an EIT as asserted by the Examiner, does not cause a processor to acquire additional program guide data as required by Applicants' claim 6. Indeed, an EIT already has all the information for that three hour program block.

Second, Applicants' claim 6 also requires acquiring additional program guide data in response to said identified re-assigned partition identifiers. Nowhere does *PSIP* describe or suggest this requirement of Applicants' claim 6. Indeed, even a subsequent updating of an EIT such that the version number is changed is irrelevant to this requirement of Applicants' claim 6 since this is not in response to said identified re-assigned partition identifiers – which according to the Examiner are PID values.

In view of the above, the mere shifting of a PID associated with an EIT from one three hour window to another three hour window does not result in "acquiring additional program guide data in response to said identified re-assigned partition identifiers" as required by Applicants' claim 6.

CLAIMS 6-7 ARE PATENTABLE

Applicants maintain their position that Claims 6-7 are patentable for the reasons described above and as stated in Applicants' appeal brief.

In view of the above, Applicants' independent claim 6, and dependant claim 7, are patentable since the combination of *Eyer* and *PSIP* does not yield the requirements of Applicants' claim 6.

CLAIMS 13-16 ARE PATENTABLE

Applicants maintain their position that Claims 13-16 are patentable for the reasons described above and as stated in Applicants' appeal brief.

As such, Applicants' claims 13-16 stand or fall with Applicants' independent claim 6.
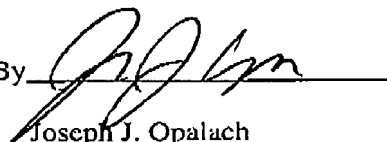
D.   CONCLUSION

For the above reasons, Applicants submit that claims 1-16 are patentable over *Eyer* in view of *PSIP*. It is therefore respectfully requested that the rejection of claims 1-16 under 35 U.S.C. § 103(a) be reversed.

Respectfully submitted,

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September 11, 2007

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